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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

10 vs.)

11 CHRISTOPHER JAMES WILDER,)

12 Defendant.)
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Case No. 2:04-cr-0476-RLH-LRL

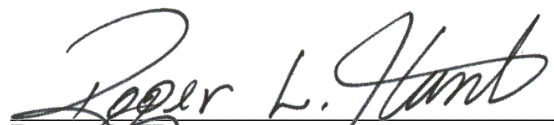
ORDER

(Motion for Certificate of Appealability-#118)

14 Before the Court is a document entitled "Certificate of Appealability" (#118, filed
15 September 28, 2011) which has been docketed as a Motion for a Certificate of Appealability. That
16 characterization is incorrect. Defendant is requesting permission to file a second §2255 motion. He
17 has directed the document to the Court of Appeals and, in fact, the Court of Appeals is the only court
18 that can give permission to file a second §2255 motion. Accordingly, this Court will deny the
19 document to the extent it is considered a Motion for Certificate of Appealability, without prejudice to
20 Defendant Wilder to seek permission from the Ninth Circuit Court of Appeals.

21 IT IS SO ORDERED.

22 Dated: October 11, 2011.

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25 **Roger L. Hunt**
26 **United States District Judge**